

Serial No. 08/933,922, filed September 19, 1997

unpatentable over claims 1-3 of co-pending Application No. 09/143,583 in view of Stahlecker et al. (USP 4,495,758). Applicant will gladly submit a terminal disclaimer to the claims of the co-pending patent application upon a finding of allowable subject matter. In any event, Applicant believes that Stahlecker et al. is inappropriately combined with the co-pending patent application in formulating this rejection, since Stahlecker et al. merely teaches apparatus and method for forming a wrapped yarn. The wrapped yarn is formed by spirally wrapping a core strand with a binder strand. There is nothing in Stahlecker et al. to suggest that the binder strand should contain a heat-activated binder material, nor that the binder strand should be exposed to heat to melt any portion thereof.

Claims 16, 18 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lofquist (USP 5,478,624) in view of Stahlecker et al. (USP 4,495,758) and Scott et al. (USP 4,668,552). Claims 16, 18 and 21 further stand rejected under 35 U.S.C. §103(a) as being unpatentable over Stahlecker et al. taken with Lofquist and Scott et al. Claims 16, 18 and 21 also stand rejected under 35 U.S.C. §103(a) as being unpatentable over Scott et al. in view of Stahlecker. Applicant respectfully traverses these rejections for the following reasons.

All of the claims of the present invention are limited to a fiber bundle ring spun or wrap spun with a second fiber comprising a heat-activated binder material. As noted by the Examiner, Lofquist fails to expressly teach ring spinning or wrap spinning.

Stahlecker et al. teaches apparatus and method for forming a wrapped yarn. The wrapped yarn is formed by spirally wrapping a core strand with a binder strand. There is nothing in Stahlecker et al. to suggest that the binder strand should contain a heat-activated binder material, nor that the binder strand should be exposed to heat to melt any portion thereof.

Scott et al. teaches wrap yarns having crimped, textured binder strands. The wrap yarns are tufted into cut pile and exposed to heat so that the binder strands retract inwardly away from the cut face of the pile fabric. There is nothing in Scott et al. to suggest that the binder strand should contain a heat-activated binder material that melts upon exposure to sufficient heat. In fact, the binder strand of Scott et al. reacts to heat by retracting inwardly, but maintains its integrity as a strand (see the drawing figures).

Since Stahlecker et al. and Scott et al. teach yarns comprised of strands that physically bind a core yarn for a period of time, and Lofquist fails to expressly teach the wrap or ring spinning of a core yarn with a binder fiber

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containing heat-activated material, the combination of these references is inappropriate and arrived at only with the impermissible use of hindsight.

Applicant, however, further disagrees with the Examiner's assertion that one of ordinary skill in the art would deem binder fibers to contain heat-activated adhesive, absent any express teaching that they are not heat-activated binders. There is no presumption that a binder fiber binds through melting rather than through physically constraining.

Applicant therefore respectfully requests that these rejections be withdrawn.

For these reasons, claims 16, 18 and 21 are submitted to be patentable over the art of record. Accordingly, Applicant requests an early and favorable response. In the event there are yet unresolved issues, the Examiner is cordially invited to contact the undersigned patent attorney.

Respectfully submitted,

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I hereby certify that this correspondence is facsimile transmitted to Group Art Unit 1733 Examiner Sam Chuan Yao, 703-305-7718, on October 8, 2001.

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(Signature)

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